

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

BRUCE H. BAYER, :
Plaintiff : CIVIL ACTION NO. 3:13-1900
v. : (MANNION, D.J.)
(SCHWAB, M.J.)
POCONO MEDICAL CENTER, :
et al., :
Defendants :
:

ORDER

In light of the memorandum issued in the above-captioned matter this same day, **IT IS HEREBY ORDERED THAT:**

- (1) the report and recommendation of Judge Schwab, (Doc. [19](#)), is **ADOPTED IN ITS ENTIRETY**;
- (2) the motion to dismiss the plaintiff's complaint filed on behalf of defendants Pocono Medical Center, Pocono Medical Center Behavioral Health Unit and Ann McDonald, (Doc. [12](#)), is **GRANTED** for the plaintiff's failure to state a federal claim upon which relief can be granted;
- (3) the plaintiff's amended complaint, (Doc. [10](#)), is **DISMISSED** *sua sponte* pursuant to 28 U.S.C. §1915(e)(2)(ii) with

respect to the remaining defendants for the plaintiff's failure to state a federal claim upon which relief can be granted;

(4) as all federal claims have been dismissed, the court declines to exercise supplemental jurisdiction over the plaintiff's state law claim for medical malpractice; and

(5) the Clerk of Court is directed to **MARK THIS CASE CLOSED.**

s/*Malachy E. Mannion*

MALACHY E. MANNION
United States District Judge

Date: July 23, 2014

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